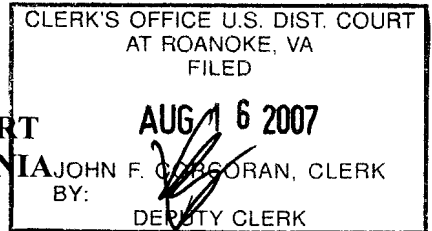


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



BENJAMIN LUCCIOLA, #232439
Petitioner,

v.

WARDEN DANIEL A. BRAXTON,
Respondent.

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Civil Action No. 7:07cv00200

FINAL ORDER

By: Hon. James C. Turk
Senior U.S. District Judge

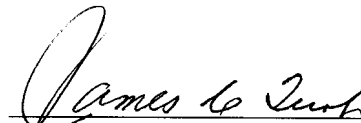
In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that respondent's motion to dismiss shall be and hereby is **GRANTED**; Lucciola's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 shall be and hereby is **DISMISSED**; and this case shall be **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a copy of this Order and accompanying Memorandum Opinion to the petitioner and respondent.

ENTER: This 14th day of August, 2007.


Senior U.S. District Judge